IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.MC.No. 805 of 2007()

AGAINST THE ORDER IN LP.51/2002 IN
CC.435/1998 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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PETITIONER: ACCUSED

VISHNUDAS, S/O.BHARGAVAN VAIDHYAN,
PRAMANICKAL HOUSE, PRAYAR SOUTH, ALUMPEEDIKA PO,
OACHIRA (VIA), KOLLAM DISTRICT.

BY ADV. SRI..SIJU KAMALASANAN
SRI.K.VINAYAKUMAR

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, OACHIRA POLICE
STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.805 of 2007

Dated this the 21st day of March, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Sections 279 & 337 I.P.C. The case was registered as early as in 1998. As the petitioner was not available, the case has been transferred to the list of Long Pending Cases in 2002. A warrant of arrest issued by the learned Magistrate is chasing the petitioner. The petitioner, in these circumstances, has come to this Court with this petition for issue of directions under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he appears and applies for bail.

2. I find absolutely no merit in that prayer. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-